IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION LD.NO.3500 OF 2004

Ram Bhagwat & Ors. ...Petitioner.

Vs.

Karia Developers & ors. ...Respondents.

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Mr.Shriniwas Deshmukh i/b.Mansuklal Hiralal for the Petitioners.

Mr.Geeta Shastri, A.G.P. for Respondent No.2.

Mr.Ramachandran N. i/b. Narayan &

Narayan for Respondent No.1.

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CORAM : DR.D.Y.CHANDRACHUD, J.

January 31, 2005.

P.C. :

The Divisional Joint Registrar, by the impugned order dated 7th December 2004, granted a stay ex-parte of the order of registration passed by the Deputy Registrar, Co-operative Societies, G-South Ward, Mumbai on 9th November 2004. The order of the Divisional Joint Registrar contained

virtually no reasons at all which would justify granting an ad-interim stay ex-parte. The order of the authority was stayed by a Learned Single Judge of this Court on 23rd December 2004 when the petition came up for admission. In the meantime, the Court was informed on the last occasion that certain arbitration proceedings took place between the parties which resulted an arbitral award dated 14th January 2005 and that under the terms of the arbitral award, the First Respondent has agreed to withdraw the proceedings which are pending before the Divisional Joint Registrar. Counsel are agreed that instead of this Court being required to go into the merits of the Petition at the present stage, it would be appropriate if the matter is remitted back to the Divisional Joint Registrar with a direction that during the pendency of the proceedings, the impugned order dated 7th December 2004 shall continue to remain stayed.

In the circumstances, this petition is disposed of by setting aside the impugned order dated 7th December 2004. Parties are directed to appear before the Divisional Joint Registrar for directions on 7th February 2005. All the rights and contentions of the parties are kept open including the contention of the Petitioner based on

the arbitral award noted earlier.

The Petition is accordingly disposed of. There shall be no order as to costs.

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